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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,337	01/26/2004	Jukka Linjama	042933/272349	9880

826 7590 03/17/2006

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EXAMINER

WALK, SAMUEL J

ART UNIT PAPER NUMBER

2632

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/765,337	Applicant(s) LINJAMA ET AL.	
	Examiner Samuel J. Walk	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-27 and 33-42 is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-15, 28, 30 and 31 is/are rejected.
- 7) ☒ Claim(s) 9, 29 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5-8, 10 and 13-15 are rejected under 35

U.S.C. 102(b) as being anticipated by D'Angelo (US 5963131).

Regarding Claim 1, D'Angelo discloses an anti-theft device with alarm screening wherein claimed mobile terminal is met by briefcase A; claimed transceiver is met by transmitter 25 and detector 26; claimed acceleration sensor is met by motion sensor 23; claimed processor is met by microprocessor 27, see Fig. 3, Col. 7 lns 65-67 and Col. 8 lns 1-5. D'Angelo further discloses that when motion sensor 23 detects movement of briefcase A, transmitter 25 is activated by sending a coded radio frequency alert signal which in turns activates alert speaker warning

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device 31, see Col. 8 lns 26-31. It is inherent that a predefined threshold must exist in order to activate the sending of the RF signal, i.e., a threshold at any point above zero.

Regarding Claim 5, see above rejection in reference to Claim 1.

Regarding Claim 6, upon activation of a transmitter in sending an RF signal, it is inherent that the frequency is changed, from zero to a non-zero frequency, i.e. 13.56 MHz.

Regarding Claim 7, D'Angelo further discloses mode switch 28 that sends theft detector 21, including transmitter 25 and receiver 26 into a low power mode, see Col. 16 lns 23-25.

Regarding Claim 8, see above rejection in reference to Claim 1. In addition, the predetermined threshold of a rate of motion is inherently any amount above zero.

Regarding Claim 10, claimed intentional gesture is met by the act of stealing the briefcase A, see Col. 18 lns 6-20.

Regarding Claim 13, it is inherent that the transmitter 25 is not continuously sending an RF signal; therefore, it is inherent that it deactivates after a predetermined period.

Regarding Claims 14-15, see above rejection in reference to Claim 1. However, transceiver is now met by control unit 22 with transmitter 33 and receiver 34. Thus, sensory-perceptible

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feedback is met by alert speaker warning device 31 which produces an audible or visual alert, see Col. 8 lns 26-37.

3. Claims 28 and 30 rejected under 35 U.S.C. 102(e) as being anticipated by Cannon (US 6549792).

Regarding Claim 28, Cannon discloses an accelerometer influenced communication device wherein controller 204 determines the stationary or non-stationary state of the wireless telephone/handset 202 and based upon a stationary state, puts the phone into a standby or sleep state to save power, see Col. 3 lns 7-11 and 46-54. Cannon further discloses that upon the change of position of the device 202 from the output of the accelerometer, the controller initiates a wake-up procedure of the device 202 and the included transceiver 208, see Col. 4 lns 1-11.

Regarding Claim 30, Cannon further discloses a timing threshold based on the motion information or motion history to place the device into an on-hook or operational state, see Col. 6 lns 22-29 and Col. 3 lns 7-11.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Angelo.

Regarding Claims 2-4, D'Angelo discloses transmitter 25 and receiver 26. D'Angelo does not disclose RFID, Bluetooth and IR transceivers. However, Examiner takes Official Notice that both the concepts and advantages of utilizing RFID, Bluetooth and IR transceiver are both well known and expected in the art.

Therefore, one having ordinary skill in the art at the time the invention was made would have readily recognized the use of said transceivers because they are readily available and functionally equivalent components.

Regarding Claim 11, see above rejection in reference to Claim 10. In addition, if the briefcase A was being stolen, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the thief would be

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running with the stolen object and thus the object would be jostled, shaken, knocked around, etc. as those are expected movements.

Regarding Claim 12, see above rejection in reference to Claim 1, specifically, motion sensor 23. D'Angelo does specifically disclose motion sensor is an acceleration sensor. However, one having ordinary skill in the art at the time the invention was made would have used an acceleration sensor is a functionally equivalent and readily available component.

6. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon in view of Sakai (US 2003/0100295).

Regarding Claim 31, Cannon discloses a mobile phone that changes from standby to operational modes based upon the output of an accelerometer. Cannon does not disclose sensory-perceptible feedback of that change. However, Sakai teaches of Communication apparatus wherein screen 48 indicates that the mobile phone is in sleep mode, see para. [0127]. One having ordinary skill in the art would have readily recognized that a display indicating sleep mode would also display other modes of operations such as active, semi-active, etc. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings

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of Sakai into the system of Cannon because visual confirmation of operational status allows the user to manage power consumption more effectively.

Allowable Subject Matter

7. Claims 9, 29 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 9 and 29 appear to be allowable because prior fails to show determining a frequency of a transceiver based on the determined rate of acceleration. Claim 32 appears to be allowable because prior art fails to show altering the power state of a motion sensor associated with a mobile terminal when the rate of motion exceeds a threshold.

8. Claims 16-27 and 33-42 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter: Claims 16-21 appear to be allowable because prior art fails to show altering a power state of a motion sensor at a first threshold and altering the power state of a transceiver at a second threshold. Claims 22-27 appear to be allowable because prior art fails to show adjusting the power consumption of a transceiver based on the acceleration

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rate of a mobile terminal exceeding a threshold by altering the activation frequency of the transceiver. Claims 33-42 appear to be allowable because prior art fails to show adjusting the power consumption of a transceiver based on the acceleration rate of a mobile terminal exceeding a threshold by altering the activation frequency of a reader of the transceiver.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel J. Walk whose telephone number is (571) 272-2960. The examiner can normally be reached on M-F: 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJW



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